ESTTA Tracking number:

ESTTA731358 03/04/2016

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

# **Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

# **Petitioner Information**

Name	Churchill Mortgage Corporation		
Entity	Corporation	Citizenship	Tennessee
Address	761 Old Hickory Blvd, Ste 400 Brentwood, TN 37174 UNITED STATES		

Attorney informa-	Paul W. Kruse
tion	Bone McAllester Norton
	511 Union Street Suite 1600
	Nashville, TN 37219
	UNITED STATES
	trademarks@bonelaw.com Phone:615-238-6304

# Registration Subject to Cancellation

Registration No	1646243	Registration date	05/28/1991
Registrant	CHURCHILL BRAND HOLDIN POST OFFICE BOX 961500 BOSTON, MA 021961500 UNITED STATES	NGS LLC	

# Goods/Services Subject to Cancellation

Class 036. First Use: 1982/03/27 First Use In Commerce: 1982/04/00

All goods and services in the class are cancelled, namely: LOAN FINANCING [ AND MORTGAGE

BANKING | SERVICES

# **Grounds for Cancellation**

Abandonment Trademark Act section 14
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Attachments
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# **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Paul W. Kruse/
Name	Paul W. Kruse
Date	03/04/2016

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Churchill Mortgage Corporation,	)
Petitioner,	) ) Cancellation No.
V.	)
CHURCHILL BRAND HOLDINGS LLC,	) Reg. No. 1646243
Registrant.	)
Attorney Ref. No. 003927-60801	)

#### PETITION TO CANCEL

Box TTAB NO FEE Commissioner for Trademarks P.O. Box 1451 Alexandria, Virginia 22313-1451

Sir:

Churchill Mortgage Corporation (hereinafter Petitioner) is or will be damaged by the continued registration of the mark CHURCHILL, which is set forth in Reg. No. 1646243 and owned by CHURCHILL BRAND HOLDINGS LLC (hereinafter Registrant), and hereby requests the cancellation of the same.

As grounds for cancellation, Petitioner, by its attorneys, avers as follows:

1. Registrant obtained under the provisions of the Lanham Act, registration on the Principle Register of the mark CHURCHILL on May 28, 1991, for "loan financing services in Class 36.

- 2. On July 24, 2015, Petitioner filed intent-to-use application Ser. Nos. 86641467 seeking registration on the Principle Register for the mark CHURCHILL MORTGAGE SINCE 1992 OVER 20 YEARS OF EXCELLENCE & Design for "mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans" in Class 36.
- 3. On November 13, 2015, the Office refused registration of the mark CHURCHILL MORTGAGE SINCE 1992 OVER 20 YEARS OF EXCELLENCE & Design for "mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage" in Class 36, citing a likelihood of confusion with the mark CHURCHILL set forth in Reg. No. 1646243.

#### Abandonment

- 4. On information and belief, Registrant is no longer using the mark CHURCHILL on the services set forth in Reg. No. 1646243. Information supporting this belief is submitted herewith as Exhibit A, incorporated herein and made of record thereby.
- 5. On information and belief, Registrant no longer has any intent to resume use of the mark CHURCHILL on the services Reg. No. 1646243.
- 6. On information and belief, Registrant has discontinued use of the mark CHURCHILL, causing the mark to lose its significance as an indication of origin.
- 7. On information and belief, any goodwill that may have been associated with the mark CHURCHILL has been destroyed by Registrant's intentional abandonment and nonuse of the mark in commerce.
- 8. Continued registration of the mark CHURCHILL set forth in Reg. No. 1646243 will result in damage to Petitioner pursuant to the allegations stated above, and will create a {01316817.1}

cloud on the lawful right of Petitioner to adopt and use the mark CHURCHILL MORTGAGE SINCE 1992 OVER 20 YEARS OF EXCELLENCE and will prevent Petitioner from obtaining federal registration of the mark CHURCHILL MORTGAGE SINCE 1992 OVER 20 YEARS OF EXCELLENCE in the name of Petitioner.

WHEREFORE, Petitioner respectfully requests asks that its Petition to Cancel be sustained and that Reg. No. 1646243 be cancelled.

Please direct all communications to the undersigned at (615) 238-6300 or trademarks@bonelaw.com.

Churchill Mortgage Corporation

By:

Name: Paul W. Kruse

Title: Attorney

Date: March 4, 2016

Submitted by:

Bone McAllester Norton PLLC 511 Union Street Suite 1600 Nashville, Tennessee 37219

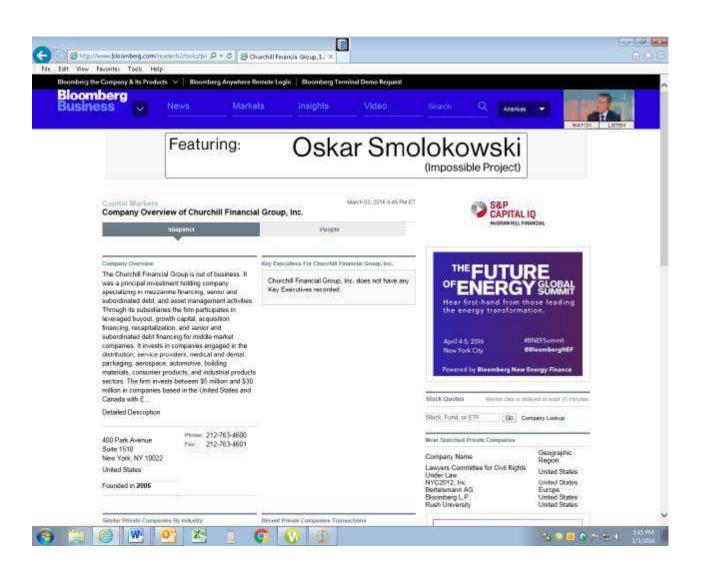
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on CHURCHILL BRAND HOLDINGS LLC with an address at Post Office Box 961500, c/o J.H. Management Corporation, Boston, Massachusetts 02196-1500, via first class mail, postage prepaid, today March 4, 2016.

By:

Name: Paul W. Kruse



# Exhibit A

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